

SOME ABBREVIATIONS
UNRECOGNIZED
OR MISUNDERSTOOD
IN THE TEXT OF THE
JERUSALEM TALMUD

BY

PROFESSOR LOUIS GINZBERG



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Page 140, line 2, should read: Haberim.

Note 8 should read: Lichtenberg.

Note 11, last line, should read: Azkari.

Page 141, lines 6 and 10; page 142, lines 2 and 4, should read: סימן

Line 13 should read: באוריתא

Note 12 should read: Comp. note 3.

Page 142, line 3, should read: י"ר=ירמיה; ב' =בן לוי¹⁹

Line 19 should read: explain that difficult.

Page 143, line 12, should read: כ"ד. א' עמור

Page 145, note 31, line 3, should read: Yebamoth (instead of Y.).

Line 10 should read: (א) בינה

Note 33, line 11, should read: Nissim.

Page 148, line 2, should read: סימנים

Page 150, note 47, line 8, should read: Septuagint.

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SOME ABBREVIATIONS, UNRECOGNIZED OR MISUNDERSTOOD, IN THE TEXT OF THE JERUSALEM TALMUD

BY PROF. LOUIS GINZBERG

THE numerous abbreviations in Rabbinic literature are veritable pitfalls laid for the student by the scribe. In most cases, however, they are not of a very dangerous nature. The student who is at home in this literature will not be easily caught by them. If he is master of his subject he will be able to tell by the context whether the abbreviation ה"נ stands for חר נריא "one goat" or for חכם גדול "great scholar," and there is hardly any fear that he would read the abbreviation כ"ב as כל בו "universal genius," where it is meant to stand for כופר בעיקר "atheist."

Paradoxically as it may sound, it is nevertheless true that the scribe who discarded abbreviations caused more difficulties than he who made free use of them. In their attempt to improve upon the text before them, the scribes tried to explain the abbreviations by writing them out in full, but as penmanship is rarely combined with learning, they very often failed miserably. Many a corrupt text is the result of this kind of "scribal criticism," and the less authoritative a book was, the more was its text exposed to the whims of the scribe.

The Babylonian Talmud, being the sole source of Rabbinic law and the standard work of study, was carefully watched over by the scholars, and its text is therefore comparatively free from scribal emendations, while the Jerusalem Talmud and the Midrashim, which never were considered authoritative works, and the study of which was limited to a few specialists, suffered greatly at the hands of the scribe. The great acumen and vast erudition of the commentators of the Yerushalmi were not infrequently a hindrance to them, since by these qualities they were tempted to retain the most absurd errors committed by the scribe.

In the following I give a few interesting examples of unrecognized or misunderstood abbreviations in the Yerushalmi which I

hope will bring home to the student the great importance of textual criticism. The fact established in this investigation that the Yerushalmi, or at least some versions of it,¹ made use of mnemonic signs שלמנים will help to reconstrue many a corrupt passage in that text.

I. Yerushalmi *Berakot* v; 9a, contains a number of stories whose purport it is to teach the truth² that holy and saintly men are recognized as such by the "features of their faces." Among others we read the following narrative:

רבי ינאי ורבי יונתן הוו מטילין באסלטין (3) חמתן חד ושאל בהן. אמ' להן שלמכון רבייא. אמרין אפילו תואר חברות (4) אין עלינו לרעה.

If we disregard the word לרעה this passage does not offer any difficulty whatsoever; it tells the following story: "Rabbi Yanai and R. Jonathan were walking in the street; a man saw them and greeted them with the words: "Peace unto you, masters."³ They replied, "We have not even the looks of Haberim (fellows)." The man in the street only by glancing at the Rabbis knew that he has great men before him. They, however, as truly great men, humbly

¹ MS. Genizah and MS. Rome do not read the mnemonic sign לרעה in *Berak.* V, 9b; compare below paragraph I.

² This view is based on Deut. xxviii, 10, "and all people *shall see* that Thou art called by the name of the Lord."

³ MS. Rome in my Yerushalmi Fragments, p. 350, has באסרטיין, Yalkut Shimeoni *ibid.*, p. 322 באסרטייא, while MS. Genizah *ibid.*, p. 17 and Ibn Gama in his Addenda to Aruk (edited by Buber in Graetz-Jubelschrift, p. 28, read באסרטיין, which, however, is not *στᾶδιον* but a copist's error for באסרטיין = "streets." Buber did not notice that the alphabetical order of Ibn Gamas book makes this emendation necessary. All these readings go to show that אסלטיין of the printed text of the Yer. is only orthographically different from אסרטיין, "streets" (Yer. Yebam XII, 2d: אסרטיין), if one does not prefer to correct it in אסרטיין as MS. R. has it. Musafias derivation of אסלטיין from Latin *Saltus* "forest" is impossible for more than one reason, while Serillos emendation (?) אסלטיין = *κατάλυσις* is unnecessary and improbable.

⁴ Yalkut l. c. and Ibn Gama l. c. read הבריות, and it is this faulty reading which R. Elazar Azkari, in his commentary *ad loc.* tries in vain to explain.

⁵ רבייא, also spelled רביה, is rarely though regularly used as plural of רבא, "master," the form commonly used is רבנייא in the sense of teacher or master.

remarked that they ought not to have been taken even for Haberini⁶ (fellows), still less for Rabbaya⁷ (masters). The words of Nachmanides, לא למדתי חכמה... אפילו תורת חברות אין עלינו, "I have not acquired wisdom . . . we do not possess the qualification of a Haber,"⁸ go undoubtedly back to our passage and show how this great Talmudist understood it. Estori Parhi in his work תורה ופורה xlv, 410 ed. pr. = 611 ed. Luncz quotes our Yerushalmi passage as follows:⁹ תורת חברות אין כי ואתון קרן לי רבי. "I do not possess the qualification of a Haber and you call me Rabbi."

It is true neither Nachmanides nor Estori Parhi read לרעה at the end of our passage, agreeing therein with MS. Genizah and MS. Rome in my Yerushalmi Fragments, pp. 17 and 350 respectively, and have therefore no difficulty in explaining it correctly.¹⁰ But it is a methodological error of the commentators¹¹ to distort the obvious meaning of a passage on account of one obscure word. Yet it

⁶ Ed. pr. חבירות=חברות of MS. Genizah and MS. Rome. The abstract חבר stands here as in many other places for the concrete חבר. In the philosophical terminology תואר is "quality" and תואר חברות might be translated as "the quality of a Haber." I do not believe, however that this use of תואר is older than the Arabic period; *Sectaries* ed. Schechter 14, 11 בתרו is "according to his order" and not "corresponding to his quality."

⁷ The *Haber* is far below the Rabbi; comp. *Kid.* 33 b. where רבי=חכים is described as superior to the *Haber*.

⁸ Comp. II Som. vii, 19, תורת האדם, "manner of man." The quotation is from Nahmanides' famous letter published in the collection אגרת קנאות ed. Lichtenstein 8a.

⁹ There can be no doubt that the author refers to our passage, although his reading of the same is different from ours. It seems that he read as follows: ר' הונה [בר ינתן?] הוה מבטיל באסלמין חמתיה דר אמ' ליה שלם. לך רבי. אמ' אפילו תורת חברות אין כי ואתון קרן לי רבי. It is, however, possible that the last four words are not those of the Yer. but of Estori Parhi.

¹⁰ Nor has it Serillo, but with this author we are never sure whether we have before us an emendation or a different reading.

¹¹ It would be useless to quote all "the explanations" given by the commentators; but it is worth while mentioning that the one found in the so-called critical commentary by Luncz is the most ridiculous of all. By the way, neither Ratner nor Luncz refer to the readings of the Yer. found in Nachmanides, Parhi, Azkara and Yalkut.

would be equally uncritical to ignore לרעה, which is found not only in the first edition of the Yerushalmi but also in Yalkut Shimeoni and was read also by Ibn Gama.¹²

The puzzling לרעה can easily be explained, if we read with ed. Amsterdam¹³ and R. Samuel Yafeh Ashkenazi¹⁴ לרעה and take it as mnemonic sign סמן to indicate the names of the authorities mentioned in the following paragraph of the Yerushalmi. The same contains stories out of the lives of R. Lakish, R. Yudan and R. Elazar, which illustrate their great devotion to study.¹⁵ If the scribes would have marked לרעה as a סמן there would not have been much difficulty to explain it.¹⁶ ל stands for לקיש; ר' for ר' ירון; ע' for אלעזר and מהני for ה' "studying" (the phrase used of these three scholars is סנין באוריתא סנין "very studious"), but through negligence or ignorance the strokes over לרעה marking it as a mnemonic sign dropped out and the commentators spend their acumen in explaining a copyist's error.

II. *Peah* iv, 18b: ר' זעירא רבי אלעזר לחבירו ור' יוחנן וכו': אמר ר' Here again we have a passage which the commentators could not explain, because they fail to see that לחבירו or לחביריו as ed. Constantinople reads is a mnemonic sign. The Yerushalmi mentions five¹⁷ authorities, all of whom hold the same opinion concerning a certain law of agency discussed in this passage. These Amoraim

¹² Comp. Note 1.

¹³ The critical value of this edition is by far greater than Frankel *מבוא*, p. 141, is willing to admit.

¹⁴ In the text of his work *יפה עינים* he printed לרעה, but in his commentary he explains it as if he read לרעה. Ed. Krakau has likewise לרעה, but as this edition is based exclusively on the first edition, its readings have no independent value.

¹⁵ The text of the editions is incomplete. The story concerning R. Elazar dropped out, in the same, due to a homoioteleuton, but both MSS. in my *Yer. Fragments* have preserved the original text. Comp. also *ibid* p. 322 the reading of Yalkut.

¹⁶ There is no fixed rule which letter of the abbreviated word is to be represented in the סמן; Comp. *Sanh.* 6b: סרמ"ש, where יס"ס=ר', אליעזר=ר', יהושע=ש' and מאיר=מ'. Prefixes are often disregarded in the סמן and therefore in our passage מהני=ה'.

¹⁷ The Talmud mentions explicitly only three older Amoraim, R. Elazar, R. Yohanan and R. Joshua b. Levi, because the later authorities, R. Jeremiah and R. Yose, reflect the opinion of the former ones, which they try to explain.

are: R. Elazar, R. Johanan, R. Joshua ben Levi, R. Jeremiah and R. Yose.¹⁸ The סמן is to be read as follows: ל' = אלעזר; ח' = יוחנן; י' = ירמיה; ב' = בן (לוי)¹⁹; ו' = יוסי. It is very probable that the use of סמן (לחבירו²⁰) as was suggested by the subject matter dealt with by these Amoraim who dispute the principle לחבירו במציאה.

It would, however, be uncritical to accept the reading of MS. Rome as the correct one and in this way ignore the difficulty caused by²⁰ לחבירו. It can be easily shown that the reading of MS. Rome is only an emendation and, clever as it is, it does not represent the original text.²¹ It reads

ר' זעירא בש"ר לעזר אדם זכה במציאה לחבירו.
רבי לעזר ור' יוחנן ור' יהושע ב"ל שלשתן וכו'.

Now, the phrase of the legal principle discussed in our passage occurs three times here and once in *Baba Mezia*, II, 8a, but in all these places it reads לחבירו במציאה and not אדם זכה במציאה לחבירו as MS. Rome has it. We see by it that this reading cannot be the original one, and is only an attempt to explain that difficult לחבירו by adding the words אדם זכה במציאה before it, but it betrays itself as an emendation by its phraseology which is not that of the Yerushalmi.²²

III. *Pesahim* IV, 30c = Ta'anit IV, 67d: עשרים וארבעה אלף עמוד מירושלם וחצי עמוד מיריחו. I have already in another

¹⁸ In *Peah* our texts read יונה ר', but in the parallel passage *Maaser Sheni*, v. 56c, the correct reading ר' ירמיה is found. The Palestinians, R. Jonah and R. Yose, are often mentioned together and the scribes read therefore the abbreviation ר' as יונה ר' instead of ר' ירמיה, although in our passage, not the Palestinian R. Yose is referred to but his Babylonian namesake, the colleague of R. Jeremiah, comp. *Shabbat* I, 3a, and *Pes.* II, 28c. It is quite probable that this סימן is intended to call attention to the difference between *Peah* and *Maas. Sh.* concerning the names of these Amoraim.

¹⁹ It is not always the name of the author that is represented in a סימן, sometimes the author's father takes his place; comp. *B. Batra* 74b: ר' שמעון בן גמליאל = ג' where זג"ם.

²⁰ I think that the correct reading of the סימן לחבירו, the last letter stands for ייסי.

²¹ This was entirely overlooked by Lunz in his commentary ad loc.

²² Babli *B. Mezia* 10a: המגביה מציאה לחבירו קנה חבירו. Our emendator, who certainly was more at home in Babli than in Yer., did not find fault with his emended text on account of its similarity to that of Babli.

place²³ called attention to this very strange statement, according to which the body of delegates representing one of the twenty-four divisions at the service in the Temple consisted of twenty-four thousand men!²⁴ I may add here that also the wording of our text is very strange; one would expect to have the text read עשרים וארבעה אלף עמוד instead of כ"ד אלף עמוד מירושלם היה של כ"ד אלף, which is very misleading, as it might be understood to say that twenty-four thousand delegations came from Jerusalem! All these difficulties disappear if we assume that אלף owes its existence to the faulty reading of an abbreviation. The Baraita spoke of "the twenty-four delegations, one of which came from Jerusalem":²⁵ עמוד מירושלם וחצי עמוד מיריחו. A scribe read א' as אלף²⁶ "thousand" and as the absurdity of thousand delegations was obvious even to a scribe, the emendation עמוד מירושלם became necessary.²⁷

IV. *Ketubot* IV, 28d: כל ישראל נבלה זו כל ישראל נבלה כי עשתה נבלה בישראל נבלה זו כל ישראל יבואו גדולים רעים שנדלו יתנבלו הן וגדולין. For the correct understanding of this extremely difficult passage

²³ Comp. my note in Ratner's 'זיון וירוש' *Pesahim*, p. 55.

²⁴ It is not quite clear whether the delegation of the priests is referred to or that of the three estates, Priests, Levites and Israelites.

²⁵ One understands now the relation between the two parts of the Baraita. Jerusalem was represented by a complete delegation עמוד, while the next largest city of Palestine, Jericho, only by a half of an עמוד. This, the Baraita remarks, was done not because the population of Jericho was not large enough, but to emphasize the superiority of Jerusalem over all other cities. I venture to suggest that the Baraita, Babli *Taanit*, 27a, is essentially identical with our Baraita in Yer. and read originally as follows: כ"ד משמרות (=מעמדות) בארץ ישראל וחצי ביריחו.

What the Baraita wanted to say was that half of a division עמוד came from Jericho. Later, however חצי was taken to mean a half of the twenty-four מעמדות, and the text was therefore changed to כ"ד משמרות בא"י, or as the Talmud has it כ"ב מהן ביריחו.

²⁶ The letters when used as numbers are not written out in full.

²⁷ It is poor Hebrew but good Aramaic to say א' עמוד instead of עמוד א', and considering the fact that the authors of the Talmud spoke Aramaic, there is the possibility that the Baraita originally read כ"ד [עמוד] א' עמוד מירושלם.

which the commentators²⁸ failed to grasp, we refer to the following Tannaitic Derashot. *Sifre Deut.* 240 has the following remark on the Biblical verse Deut. xxii, 21: **כִּי עֲשָׂתָה נְבִלָה בְּיִשְׂרָאֵל לֹא** **כִּי עֲשָׂתָה נְבִלָה בְּיִשְׂרָאֵל** **עַצְמָה בְּלִבְךָ נֹוֹלָה אֵלֶּא כֹל בְּתוּלוֹת יִשְׂרָאֵל** and commenting upon the Biblical words **פָּתַח בֵּית אֲבִיהָ** the *Midrash Tannaim*, p. 141, remarks:

בְּנִנּוֹת בֵּית אֲבִיהָ הַכְּתוּב מְדַבֵּר. יֹאמְרוּ לָהֶם רֹאוּ נִדְּוָלִים שֶׁנִּגְרַלְתָּם.
By comparing the Tannaitic statements with our passage of the Yerushalmi, one cannot fail to see their identity. The first Derashah explains Deut. xxii, 21, **כִּי עֲשָׂתָה נְבִלָה בְּיִשְׂרָאֵל** as meaning "She disgraced Israel" and not "She committed a disgrace in Israel." The immoral virgin disgraces **נְבִלָה (29) וְ** not only herself but the entire nation, or, as *Sifre* has it, "All the virgins of Israel."

The second Derashah gives the reason for the law to have the execution of the immoral virgin take place at the door of her father's house. The parents, the Rabbis say, are partly responsible for the conduct of their children, and therefore must share the disgrace brought by the latter's crimes; in the words of the Yerushalmi: "Let the wicked children which they have brought up come that the parents and the children be disgraced together."

Were it not for the unintelligible **שְׁבִא** the commentators would not have gone astray, as the text of the Yerushalmi is quite clear even without help from the parallel passages in the Tannaitic sources to which we have referred above. It is again a misunderstood abbreviation which caused all the difficulty. The Derashah of the Yerushalmi³⁰ **בֵּית אֲבִיהָ** is found also in Babli *Ketubot* 45a, and there a Baraita by Shila is given as the source. The full name of this Amora, by which he is always called in the Yerushalmi is

²⁸ Rabbi Moses Margalit goes even so far as to try to connect this passage of the Yer. with the preceding one! A very clever but of course entirely untenable explanation of **שְׁבִא** by R. Saul Katzenellenbogen is found in R. Hirsch Katzenellenbogen's work **בְּתִיבוֹת עֵינָם**, page 120 of the second edition. K. reads **יַעֲקֹב=יִשְׂרָאֵל שְׁבִא**, not noticing, however, that **כֹּל יִשְׂרָאֵל** "entire Jacob" is absurd!

²⁹ The piel **נִבֵּל** "to disgrace" is biblical.

³⁰ In *Sifre* and Babli, this Derashah is given in connection with the words **לִזְנוֹת בֵּית אֲבִיהָ**, while in Yer. it is attached to **פָּתַח בֵּית אֲבִיהָ**. The difference, however, is of no importance. Comp. also *Sifre D.* 235.

שילה³¹ בר [א]בינא. Now we have the solution for the puzzling **בראשונה היה כל אחד ואחד ממנה את** in our passage. Yerushalmi³² as well as Babli have the same source for the Derashah **בית אביה**, a Baraita by Shila bar Abina or, as his name is here abbreviated, **שילה בר אבינא = שב"א**.

V. *Sanhedrin* I, 19a: **תלמידיו כנו ר' יוחנן בן זכאי... חזרו וחלקו כבוד לבית הזה וכו'.** This passage most important for the history of ordination became corrupted in a very early date on account of a misunderstood abbreviation. Maimonides³³ *Yad, Sanhedrin* IV, 5, reproduces this

³¹The data concerning Shila given by the chronographers are confused. He was a "pupil-colleague" **תלמיד חבר** of Rab. We find him, therefore, acting independently (*Y* 121a) of this leader of Babylonian Jewry in the first half of the third century and at the same time transmitting his teachings (*Ab. Z.* 22b and also 15a, according to the correct reading of MS. M). He is very probably identical with **שילה ר' Berakot**, Babli 49b, *Yer.* IV, 8c. His death seems to have taken place shortly after that of Rab; (247) comp. *Nid.* 36b. Shilas Baraitas (collected or transmitted by him?) are quoted in Babli as **תני שילה** (*Yebam.* 24a; *Ket.* 44b), while in *Yer.* they are introduced as **תני שילה בר אבינא** and it is always R. Zeira who refers to them. (*Gittin* IX, 50b, *Sanhed.* VIII, 20a, *Makkot* II, 31d, and *Gittin* II, 44b, where MS. Genizah in *Yer. Fragments* reads **בניה בר שילה** instead of **שילה בר אבינא**). Rabbi Shila, who was the head of the Babylonian Academy **ריש כדרא** at the time of Rab's return from Palestine, is of course not to be confounded with Shila b. Abbina. On the other hand it is quite probable that R. Shila mentioned in *Tosefta Ber.* II, 10, *Mekilta* **ריש כדרא** I. 46b and *Mek. R. Simon* S. 75 is no other than the Babylonian **ריש כדרא** and it is rather astonishing that Halevy (*II, 224*) did not notice it.

³²Here, as in many other places of the *Yerush.* only the name of the author is used to introduce his statement without adding **אמר** or **תני**, which is always the case in Babli.

³³The rest of this paragraph contains many difficulties but it would lead us too far away from our subject to discuss them here. It may be said, however, that Büchler *Synedrion*, p. 163, errs when he believes that by reading in *Yer.* **אב בית דין** instead of **בית דין** we are in a position to make Maimonides' view agree with that of the *Yer.* The main difficulty is with the statement **אבל שאר וכו'** for which neither *Yer.* nor Babli can be cited as sources. R. D. B. Z. in his commentary *ad loc.*, who was the first to suggest the reading **אב בית דין** in the *Yer.* calls also attention to the fact that his reading does not dispose of all the difficulties offered by Maimonides. The famous MS. Trivulzio of Maimonides' *Yad* has not the clause **שלא יהא וכו'**; comp. *משנה תורה*... שניני נוסחאות, Frankfurt, 1889, R. Nis-Gerundi to *Sanhedrin* 5a, as well as Albarceloni *השטרות* p. 133, 134 and R. Hananel to *Sanh.* 15a, quote our passage of the *Yer.* in different readings, but none of them agrees with that read by Maimonides.

statement of the Yerushalmi as follows: בראשונה היה כל מי שנסמך סומך לתלמידיו, וחכמים חלקו כבוד להלל הזקן והתקינו שלא יהא אדם נסמך אלא ברשות הנשיא וכו'. One is at first inclined to assume that Maimonides had no other reading in Yerushalmi than ours; the words להלל הזקן are only paraphrasing לבית הוה of the Yerushalmi. But it is hardly conceivable that this great master of thought and style would have hit upon such a poor paraphrase of the Talmudic text. The prerogative of the ordination was not invested with the patriarchate before the time of R. Simon Ben Gamaliel II, about two centuries after Hillel, and it would be worse than poor style to describe this prerogative as one granted to Hillel. There can be no doubt therefore that Maimonides had in his text of the Yerushalmi something about Hillel, and it is pretty safe to maintain that he read לבית הלל instead of לבית הוה. The difference between Maimonides' text of the Yerushalmi and ours is based upon the different reading of the abbreviation לב"ה, as it might stand as well for לבית הלל as for לבית הוה. Maimonides, as a great stylist, only changed לבית הלל to להלל, because the former expression usually described the school of Hillel and not his family. There can be no doubt, however, that Maimonides' text of the Yerushalmi was corrupt as the expression בית הוה or his Aramaic equivalent ההין ביתא is used in many other places to describe the patriarchate (comp. Yerushalmi Ketubot I, 25a: שהן ממנין³⁴; וההין ביתא דלרע: Sanhedrin I, 19d; and similarly Babli Yoma 78a למעלה מזקנו של זה according to the correct explanation by Rashi). Another faulty reading of this abbreviation is לבית הנשיא as R. Nissim Gerundi has it in his commentary on Sanhedrin 5a, which is probably influenced by Babli Yoma 78a: דבר זה הניחו להם לבי נשיא. Albarceloni in his p. 133 ספר השטרות agrees with the reading of our text.

VI. *Sanhedrin* I, 19b: מה מיתת בעלים בדרישה וחקירה וכו'. The text of this passage cannot be correct. We know that cross examination of witnesses דרישה וחקירה is not limited³⁵ to cases involving

³⁴ So in ed. pr. in the later editions "corrected" to לביה דין.

³⁵ Comp. *Sanh.* IV. 1. It is true the rigid form of cross-examination in money matters was abolished at the end of the Tannaitic period (*Sanh.* 2b; 32a), but our passage deals with the old Biblical law and all agree that דבר תורה דיני ממונות בדרישה וחקירה.

capital punishment **דיני נפשות** and there is no sense in the statement that the witnesses against a vicious animal which had killed a person must be cross-examined as if they would testify in a case involving capital punishment. Tosefta Sanhedrin III, 2, and Mekilta R. Simon, p. 132 read **מה מיתח בעלים בסקילה ובדחיה** instead of **בדרישה וחקירה** and this is intelligible. According to the Halakah (Mishnah Sanhedrin VI, 4; Talmud 45, and Mekilta Bahodesh III 64a = Mekilta R. Simon, p. 97), the pushing down from a certain height **דחיה** proceeds the stoning proper and it is said here concerning the stoning of animals that it is likewise to be proceeded by pushing it down. The abbreviation **דחיה** = **דח'** was read by some scribe as standing for ³⁶⁾ **דרישה וחקירה** and to this error the reading of our Yerushalmi owes its existence.

VI. *Sanhedrin* IV, 22b: **ר"י אומר אין כל כשרין לזון דיני ממונות... מרקוקין בין נסך**. The medieval authorities considered only the Halakic difficulty contained in the second statement of R. Judah and tried to explain it away. Comp. for instance, R. Moses of Coucy³⁷ in his legal compendium **ספר מצות גדול** Prohibition 148. But it is hardly conceivable that the Baraita dealing with the qualifications of judges would in the very same breath give the law concerning the use of wine touched by idolators.³⁸ The only plausible solution of these difficulties is that the original reading was **בין** which, however, on account of the great similarity between the two letters **ב** and **נ**, was misread as **בין** and then explained as **בין נסך**. R. Judah, dealing with the qualifications of Judges, remarked that as soon as one has reached the age of majority **י** he is qualified to act as judge, and we do not take the trouble

³⁶ It is quite possible that the faulty reading **דרישה וחקירה** goes back to the abbreviation **דחיה** = **דחיה** of Tosefta and Mekilta.

³⁷ Comp. **פני משה** ad loc. who refers to this passage in the **ספ"ג**.

³⁸ According to the traditional interpretation **בין נסך** is here used in the sense of **כסם יינם**, since nobody would maintain that the prohibition against the use of wine used as libation to an idol is not to be observed rigidly. It is, however, very doubtful whether the old sources ever used the term **בין נסך** instead of **כסם יינם**; comp. **ספר הישר** ed. Vienna p. 39a and R. Nissim Gerundi in his commentary to Alfasi, *Abodah Z.* V. 8. If the context would permit the reading **בין נסך** = **כסם יינם** the most natural explanation of it would be: "wine used in the temple for libations." The Halakah maintains that the Am-ha-Arez is to be trusted concerning the purity of **כסם יינם** (Hag. III, 4) and to this R. Judah might have referred.

אין מדרקין to find out whether he has reached his physical maturity סמנים although the same is an indispensable condition for complete majority. The assumption is that ordinarily one at the age of thirteen has reached his physical maturity. Yerushalmi Berakot VII, 17b, the phrase אין מדרקין בקטן is used in the very same sense as אין מדרקין ב"ג in our passage.

VIII. *Berakot* I, 3a: אמר רבי חונא וליה כן אכילת פסחים אפילו וכו'. This passage is of special interest for the history of the Yerushalmi text, as it contains two readings of an abbreviation, a correct one and a faulty one, following upon each other. R. Huna remarks that the words אכילת פסחים do not belong in the Mishna, otherwise the same would contradict itself since, according to its statement at the end of *Pesachim*, it is a biblical commandment to eat the Paschal lamb before midnight, while in *Berakot* it would number the Paschal lamb under those sacrifices which, according to biblical law might be eaten the whole night. There can be no doubt that this is the only permissible³⁹ explanation of R. Huna's statement, and the Gaon, with proper critical insight, reads therefor ליה כן אכילת פסחים but without giving us any explanation how אפילו came into the text. The answer to this question is very simple. The abbreviation אפ' was erroneously read by some scribe as אפילו⁴⁰, while another more learned one saw that in this passage it stands for אכילת פסחים and both readings came into our text.

Although the text of the Yerushalmi suffered most at the hands of the scribes, other works did not escape them entirely. Even the Mishnah is not free from misunderstood abbreviations, especially the first and the last Orders, the study of which was rather neglected.

IX. Mishnah *Demai*, II, 3: ומשמש בבית... להיות חבר... המקבל עליו. The traditional explanation of the Mishnah is that the Am-ha-Arez who wants to become a *Haber* must take upon himself, among other duties, also that of "serving in the house of study."

³⁹ To maintain, as some of the commentators do, that according to the Yer. the last Mishnah in *Pesachim* speaks of the Rabbinical prohibition against the eating of the Paschal lamb after midnight is quite impossible. If this were the case R. Huna would argue against himself, since our Mishnah deals with sacrifices which, according to Rabbinical law, are not to be eaten after midnight, and we would expect to have the Paschal lamb numbered among them.

⁴⁰ Ed. Amsterdam has in our passage אפילו=אפ'.

According to the commentators, "Serving in the house of study" is as much as associate with the scholars and try to learn the Torah from them. Now, it cannot be denied that the Rabbis attached great importance to the personal intercourse with scholars, and some among them actually maintained⁴¹ that "he who has studied the Bible and the Mishnah but did not attend a scholar is to be regarded as an Am-ha-Arez." But the terms used for the practical study of the Torah is משמש תלמידי חכמים or שומע של תורה but never משמש בבית המדרש as in our Mishnah, which could have only one meaning, and that is attending as a servant in the house of study. Yet, nobody would seriously maintain that to become a *Haber* one must act as a servant some time in the Beth-ha-Midrash! Furthermore, the commentators did not notice that as the text reads now it would imply that the Am-ha-Arez must take upon himself the obligation *not* to serve in the Beth-ha-Midrash. The entire paragraph of the Mishnah is introduced by the particle לא which grammatically includes also the clause ומשמש בבית המדרש, otherwise the Mishnah would have said⁴² ושיהא משמש, that one might be able to distinguish between the negative and positive parts of its statement. There can therefore be no doubt that בית המדרש is out of place here.

One would be inclined to read the abbreviation בה"ט as בית המכס, "tax office," which would give it an excellent⁴³ sense, as the *Haber* must under no circumstances become a publican. The Mishnah would then contain the statement that one desirous to become a *Haber* is to take upon himself the obligation never to assist the publicans in their work. But משמש is not the word⁴⁴ one expects in connection with בית המכס, and besides this, one looks in this passage for something about impurity as supplement to ולא יהי מיטמא למתים. A בלן, "attendant in a bath"⁴⁵ is, according

⁴¹ Comp. *Berakot* 47b.

⁴² Tosefta *Demai* II, 2, in enumerating the duties of the *Haber* has correctly שלא before the negative and ושיהא before the positive.

⁴³ Compare Tosefta *Demai* III 4, *Bekorot* 31a and Yer. *Demai* III 23a.

⁴⁴ If we read המוכס there would be no objection to the use of the word ומשמש, but then we would expect וכשמש מוכס instead of המוכס.

⁴⁵ Here as in many other places the Greek βαλανεύς, בלן is used and it would be in harmony with the puristic tendency of the Mishnah to have for it the Hebrew: ומשמש בבית המרחץ.

to Kiddushin 82a, excluded from holding certain offices on account of his despised occupation,⁴⁶ and it would not be entirely improbable that a *משמש בבית המרחץ* could not become a *Haber*. However, this assumption is not very likely. I think, therefore, that *ב"ה* is to be read as *בית המומאה* (⁴⁷) which occurs also in another part of the Mishnah, comp. Nid. vii, 4. The main obligation which the *Haber* took upon himself was to keep away from any contact with impurity,⁴⁸ and the Mishnah mentions here the two principal forms of it, that caused by a dead body⁴⁹ and that caused by women during a certain period. The candidate for *הכרות* was therefore to promise not to attend on anybody in *בית המומאה*, as it would be extremely difficult for him to keep pure in such a place.⁵⁰ The

⁴⁶ As the words of the Baraita *עם הנשים עסקי* indicate this profession was despised on account of moral reasons.

⁴⁷ Whether *המומאות* or *הממאות* is to be read is doubtful; at all events it refers to the room occupied by women during the time of menstruation. The Falashas have still to-day a separate house—not room!—for the use of impure women, which they call *Mergem biet*; comp. Faitlovich, *Quer durch Abessinien*, p. 152. Dr. Slousch informed me that the same is the case among the Jews in Tripolis, Africa. Comp. also Nachmanides in his commentary to Gen. xxxi, 35. It is not out of place here to call attention to the fact that the Septuagints translates *נדה* by *ἄφειδος* "keeping aloof." Comp. Frankel, *Einfluss paläst*, Exegese p. 160.

⁴⁸ The view of Büchler, *Der Galiläische Am-ha-Arez*, 205 ff. according to which our Mishnah speaks exclusively of a priestly *Haber* is untenable, and a glance at the standard commentaries of *ר"ש* and *רא"ש* would have prevented him from this error. The Mishnah, as these authorities point out, speaks of the impurity of the garments of the *Am-ha-arez* but not of that of his body, and therefore can only refer to a *Haber* who is not a priest, since a priest becomes impure by touching the body of the *Am-ha-Arez*; comp. Tosafot *Hagigah* 19b; catchword *בגדי יום טוב* to *Hag.* II, 6.

⁴⁹ Büchler l. c. failed to see that *ולטמא למתים* in our Mishnah is not to be taken in an absolute sense; in case of a *מת מצוה* or *קרובים* מומאת even the *Haber* is to defile himself. At least this is the view of Rabbi Judah, who speaks here of *ולטמא למתים* in connection with the *Haber*; comp. *Semahot* iv, 9. Büchler refers to this passage, but as he made use of the faulty text of the editions, he reads *יהושע ר'* instead of *יהודה ר'* as the MS. has it; compare *Ebel Rabbathi* ed. Klotz p. 58. Another error of Büchler is it to maintain that it was Akiba who declared the prohibition against defilement suspended in case of *מת מצוה*, while his teacher R. Eliezer, as well as the latter's colleagues refer to it; comp. *Semahot* iv, 26.

⁵⁰ The place itself is not impure (comp. *Nid.* l. c.)

scribes were familiar with the abbreviation $\text{בה"מ} = \text{בית המדרש}$ and put it⁵¹ therefore in our text instead of בית הטומאה , for which it stands.⁵²

X. Mishnah *Shebiit* IX, 3: $\text{ולמה אמרו ג' ארצות שיהיו אוכלין בכל וכו'}$. The attempts⁵³ made by modern commentators to explain this Mishnah are as successful as that of the ancient ones; the Mishnah is still unexplained. But if we read שהן instead of שיהיו there is no difficulty whatever with our text. The Mishnah asks the reason why each of the three divisions of the Holy Land is subdivided in three districts with reference to the law of the sabbatical year. The answer it gives is "Because they (the animals of the field) eat in each district till the very last food is gone." The assumption is that mountain animals do not migrate to the valley and vice versa so long as they find something to eat where they are accustomed to live. Now, according to the Halakah, the time for the removal of the fruit of the sabbatical year בעור from the houses begins when the animals have ceased to look for their food in the fields. Granted the above mentioned supposition concerning the mode of life of the animals, the reason given in the Mishnah for subdividing each division of the Holy Land in mountain, valley and low land, is quite an intelligible one. Our text שיהיו is due to a misunderstood abbreviation; a scribe read שה' as שיהיו instead of שהן , for which it was intended.

⁵¹ Berakot, 47b, makes the assumption very probable that the Amoraim did not read בית המדרש , otherwise they certainly would have referred to our Mishnah as support for the view of אחרים who maintain that one who does not attend "at a scholar" it is an *Mam-ha-Arez*.

⁵² Another possible explanation of our Mishnah is that it speaks of a מ=בית המשה concerning which comp. Tosefta *Demai* III, 6-7. It would not be impossible that according to the Mishnah, a *Haber* ought not to be a waiter at a festival of *Am-Ha-Arez*, that he may not forget himself and partake of their food. Of course the Mishnah could not have spoken of בית המשה without describing it as עם הארץ , but it is possible that our present text was changed after מ"מ was understood to stand for בית המדרש . "A house of study of the Am-ha-Arez," is nonsensical and there was nothing left than to eliminate עם הארץ from the Mishnah.

⁵³ There are more than ten different explanations of our Mishnah!



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